IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO.3034 OF 2005

Mr. Bhimraj Deepchandji Kothari. ....Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.

....

Mr.Subhash Jha i/b. M/s. Law Global for the Petitioner.
Ms.Poonam Kantharia, APP for the State.

.....

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

August 1, 2007.

P.C. :

We have heard Counsel appearing for the Petitioner. In this petition under Article 226 of the Constitution of India, the Petitioner prays for issuance of appropriate order directing the Respondents to modify the Police manual based on statutory provisions of Criminal Procedure Code providing essential guidelines for better functioning of the Police. Further prayer is that the Court should lay down guidelines and in the event none of the other directions are issued, the guidelines should also be laid down in regard to the seizure panchanama, follow up panchanama, arrest etc.

even in the tune of the guidelines in respect of the investigation to be conducted by CBI. Reliance is placed upon the judgment of the Supreme Court in the case of Vineet Narian vs. Union of India, (1998) 1 SCC 226.

In order to substantiate the prayer made in the Writ Petition, a complaint has been made that there is corruption in investigation by the Police authorities and that the Complainants are being harassed without the complaint being looked into by the officers.

At the very outset, there is no reference to any specific instance in the Writ Petition and the allegations are general. We are of the view that this is a matter which can hardly be examined by the Court in the exercise of its jurisdiction under Article 226 of the Constitution of India.

Be that as it may, Counsel appearing for the State fairly stated that the Senior Police Officer shall look into the grievance made by the Petitioner and would take steps as may be necessary in accordance with law and expeditiously. Two representatives of the Bombay Suburban Jewelers Association be heard and they would be at liberty to bring to the notice of the authorities any specific instances

where there have been illegal, erroneous investigation resulting in harassment to the complainants. We do express our concern that the authorities concerned would take every possible steps to ensure fair investigation which in any case will have legal and statutory obligations. Keeping in view the stand taken by the State, we direct the Additional Commissioner of Police, Mumbai to proceed with the matter in accordance with law. The Writ Petition is disposed of with the aforesaid directions. Necessary exercise shall be completed within a period of six months from today.

CHIEF JUSTICE

Dr.D.Y. CHANDRACHUD, J.